

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney

ORIGINAL
FILED
JUL 12 2004
U.S. DISTRICT COURT FOR N.D. CALIF.
SAN JOSE

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 DAVID JEANSONNE,

16 Defendant.
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No. CR 04-20023 RMW

18 VIOLATIONS: 18 U.S.C. §§ 1030(a)(5)(A)(i),
19 1030(a)(5)(B)(iv) & 1030(c)(4)(A) –
20 Intentional Damage to a Protected Computer
21 Causing a Threat to Public Health and Safety;
22 18 U.S.C. §§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(i)
23 & 1030(c)(4)(A) – Intentional Damage to a
24 Protected Computer Causing Loss Aggregating
25 At Least \$5,000

26 SAN JOSE VENUE
27

28 SUPERSEDING INDICTMENT

The Grand Jury charges:

Background

At all times relevant to this Indictment:

1. WebTV was a product offered by Microsoft Corporation that allowed users to connect to the Internet using a standard television as an output device. WebTV users could send and receive e-mail once connected to the Internet. WebTV customers were required to purchase hardware and a service plan from WebTV. The hardware consisted of a WebTV “box,” which served as a computer and a keyboard and which included various interface wires. Microsoft was the Internet Service Provider for customers who purchased the WebTV product

SUPERSEDING INDICTMENT
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1 and service plan.

2 2. The WebTV box accessed the Internet through a modem connected to a WebTV
3 user's standard telephone line. When a user initiated the process of logging on to WebTV, the
4 WebTV box dialed a local telephone number through its internal modem and connected to the
5 Internet through WebTV servers located in Santa Clara, California. WebTV boxes were also
6 programmed to connect to WebTV's servers at midnight every day for maintenance and software
7 updates.

8 COUNT ONE: (18 U.S.C. §§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(iv) & 1030(c)(4)(A) –
9 Intentional Damage to a Protected Computer Causing a Threat to Public
Health and Safety)

10 3. The facts alleged in paragraphs 1 and 2 are realleged and incorporated herein as if
11 set forth in full.

12 4. On or about July 14, 2002, in the Northern District of California and elsewhere,
13 the defendant

14 DAVID JEANSONNE

15 did knowingly cause the transmission of a program, information, code and command through
16 WebTV's servers, to wit, the sending to certain WebTV users of e-mails with an executable
17 attachment containing computer code that reset the dial-in telephone numbers of their WebTV
18 boxes to "9-1-1," the emergency telephone number commonly connected to local police
19 dispatchers, and, as a result of such conduct, did intentionally cause damage without
20 authorization to protected computers, to wit, the users' WebTV boxes and WebTV's servers,
21 thereby causing a threat to public health and safety.

22 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A)(i), 1030(a)(5)(B)(iv)
23 and 1030(c)(4)(A).

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1 COUNT TWO: (18 U.S.C. §§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(i) & 1030(c)(4)(A) –
2 Intentional Damage to a Protected Computer Causing Loss Aggregating
At Least \$5,000)

3 5. The facts alleged in paragraphs 1 and 2 are realleged and incorporated herein as if
4 set forth in full.

5 6. On or about July 14, 2002, in the Northern District of California and elsewhere,
6 the defendant

7 DAVID JEANSONNE

8 did knowingly cause the transmission of a program, information, code and command through
9 WebTV's servers, to wit, the sending to certain WebTV users of e-mails with an executable
10 attachment containing computer code that reset the dial-in telephone numbers of their WebTV
11 boxes to "9-1-1," the emergency telephone number commonly connected to local police
12 dispatchers, and, as a result of such conduct, did intentionally cause damage without
13 authorization to protected computers, to wit, the users' WebTV boxes and WebTV's servers, and
14 thereby caused loss to at least one person aggregating at least \$5,000 in a one-year period.

15 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A)(i), 1030(a)(5)(B)(i)
16 and 1030(c)(4)(A).

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SUPERSEDING INDICTMENT
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1 SENTENCING ALLEGATIONS

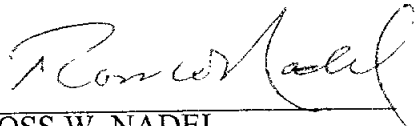
- 2 1. With respect to each count of the Superseding Indictment,
3 (a) the amount of loss exceeded \$30,000 but did not exceed \$70,000;
4 (b) the offense involved more than 10 victims but less than 50 victims;
5 (c) the offense involved sophisticated means; and
6 (d) the defendant committed the offense while under a criminal justice sentence.
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8 DATED:


A TRUE BILL.

10 FOREPERSON

11 KEVIN V. RYAN
12 United States Attorney

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14 ROSS W. NADEL
15 Chief, Criminal Division

16 (Approved as to form: 
17 AUSA WALDINGER
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